**UNITED STATES BANKRUPTCY COURT**
**DISTRICT OF MASSACHUSETTS**

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| In re:<br>GUY L. GIUFFRE<br>Debtor. | CHAPTER 13<br>Case No. 15-14223-JNF |

**ORDER ON WITHDRAWAL OF PROOF OF CLAIM NO. 2 AND DEBTOR'S AMENDED CHAPTER 13 PLAN**

This matter having come before the Court on February 16, 2017, on Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust 2006-OPT5, Asset-Backed Certificates, Series 2006-OPT5's ("Deutsche Bank as Trustee") Withdrawal of Proof of Claim No. 2 [Doc. 63] ("Proof of Claim") and on the debtor Guy L. Giuffre's ("Debtor") Amended Chapter 13 Plan [Doc. 59] ("Plan"), for the reasons set forth on the record at the hearing, its hereby ORDERED that:

1. Deutsche Bank as Trustee's motion to withdraw the Proof of Claim is granted on the condition and agreement of the parties that the Debtor has no personal liability on the adjustable rate note dated March 24, 2006 that was executed by Alec Sohmer, and that Deutsche Bank as Trustee will not seek a deficiency against the Debtor with regard to that note;

2. Deutsche Bank as Trustee has a valid first priority lien on the property known as 28 Vineyard Avenue, Oak Bluffs, Massachusetts ("Property") pursuant to a mortgage dated March 24, 2006, recorded with the Dukes County Registry of Deeds in Book 1078, Page 86 ("Mortgage");

3. The Debtor's Plan shall be confirmed and no further amendments shall be required as the Debtor agrees to surrender the Property to Deutsche Bank as Trustee or its assignee. In that regard, the Debtor stated in the Plan that he will surrender the Property because

he was unsuccessful in his adversary proceeding against Deutsche Bank as Trustee (A.P. No. 16-1095);

4. Deutsche Bank as Trustee may proceed with a motion for relief from stay to enforce its in rem remedies against the Property on account of the Mortgage. Based on the Debtor's agreement to surrender the Property, the Debtor will not object to any motion for relief from stay filed by Deutsche Bank as Trustee.

Dated: February , 2017
Boston, Massachusetts

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Honorable Joan N. Feeney
United States Bankruptcy Judge